

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

LINDA T. FLEMMING,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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CASE NO.: 1:09-CV-129 (WLS)

**ORDER**

Before the Court is a Report and Recommendation from United States Magistrate Judge Thomas Q. Langstaff (Doc. 23). Plaintiff's appeals the Social Security Commissioner's denial of Social Security Income and Disability Insurance Benefits. (Doc. 1). It is recommended that the Commissioner's decision be affirmed.

The Report and Recommendation provided Petitioner with fourteen (14) days to serve and file written objections to the recommendations therein with this Court. (*Id.*). The period for objections expired on Tuesday, August 31, 2010;<sup>1</sup> no objections have been filed to date. (*See* Docket).

Upon full review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 23) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Inasmuch as the Commissioner's final decision in this matter is supported by substantial evidence and was

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<sup>1</sup> Although fourteen (14) days following February 19, 2010 was March 5, 2010, application of Federal Rule of Civil Procedure 6(d) adds three (3) days to provide for service by mail of the Report and Recommendation upon Petitioner. *See* Fed. R. Civ. P. 6(d) (2009) ("When a party may or must act within a specified time after service and service is made [by mail], 3 days are added after the period would otherwise expire under [the Rules].").

reached through a proper application of the legal standards, the Commissioner's decision is hereby **AFFIRMED**.

**SO ORDERED**, this 21<sup>st</sup> day of September, 2010.

/s/ W. Louis Sands  
**THE HONORABLE W. LOUIS SANDS,**  
**UNITED STATES DISTRICT COURT**